IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

Crl.Rev.Pet.No. 1795 of 2007-D

CRA.465/2002 of SESSIONS COURT, THALASSERY
CC.23/2002 of JUDL.MAGISTRATE OF FIRST CLASS-III, KANNUR

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REVN. PETITIONER: PETITIONER/APPELLANT/ACCUSED

T.K.SWAPNA HARIKUMAR,
D/O. DAMODARAN, AGED 29 YEARS,
KELOTH, PAYYANNUR.

BY ADV. SMT.K.G.SARALAKUTTY

RESPONDENTS: RESPONDENT/COMPLAINANT

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1. N.LAKSHMI, W/O. UNNIKRISHNAN,
AGED 52 YEARS, KELOTH, PAYYANNUR.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTORMR. P. RAVINDRA BABU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.1795 of 2007

DATED THIS THE 12th June 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo imprisonment till the rising of the court and to pay a compensation of Rs.1,00,000/- to the complainant and in default to undergo simple imprisonment for one month. I find there is no merit in the contention of the revision petitioner that PW1 is admitted that she had paid the amount for a Visa to be given by the husband of the revision petitioner. The courts below has rightly held that the cheque given by the accused towards discharge the liability of the husband will attract the provisions of Section 138 of the N.I.Act. I find there is no ground at all to disturb the findings of the courts below. In the circumstances, the conviction is confirmed.

Considering the plea of the counsel for the revision petitioner, the revision petitioner is granted six months time to pay the amount of compensation. She shall appear before the

Judicial First Class Magistrate-III, Kannur on 12-12-2007 to receive sentence. The Crl. revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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